FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
Second Appeal No. 444/2004

Vijay Nilkanthrao Deshmukh..V/s..Rameshwar Shrvanji Tayade and 11 others.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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CORAM:- **Smt. Vasanti A. Naik, J.**
DATE:- **18th June, 2007.**

Heard Mr. Deshmukh, Advocate for the appellant.

The appellant is original plaintiff. A suit was filed by the plaintiff for declaration that he is the owner of the site A-B-C-D described in para No. 1 of the plaint. He further sought mandatory injunction directing the defendant to close the doors at points P & Q. A further injunction was sought against the defendants restraining them from disturbing the plaintiff's possession over the suit site.

The defendants denied the claim of the plaintiff and claimed that the suit property was a road used by public at large. Both the Courts concurrently held that the plaintiff had not proved his absolute ownership over the suit property and

further by relying on the admissions of the plaintiff in his cross-examination held that the defendants were using the suit property for approaching their house for more than 15 years and had also made construction over the property about 30 to 35 years prior to the institution of the suit. Both the Courts consequently refused to grant injunction in favour of the plaintiff on the basis of his own admission.

The findings recorded by both the Courts are extremely reasonable and are based on proper appreciation of the evidence on record. Since, no substantial question of law arises for consideration in this Second Appeal, the same is dismissed with no order as to the costs.

JUDGE

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